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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CAREE HARPER,

Plaintiff,

v.

**U.S. DISTRICT JUDGE OTIS D.
WRIGHT; FORMER U.S.M.S.
DIRECTOR STACIA A. HYLTON;
U.S.M.S. DIRECTOR DAVID L.
HARLOW; AKAL SECURITY;
UNKNOWN U.S.M.S. DEPUTIES;
UNKNOWN AKAL SECURITY
GUARDS and DOES 1-10 *et. al.*,
individually and in their official
capacities.**

Defendants.

CASE NO.: CV 17-1709

COMPLAINT FOR DAMAGES

- 1. VIOLATION OF 42 U.S.C. §1983**
 - EXCESSIVE FORCE
 - FALSE IMPRISONMENT
 - ASSAULT
 - BATTERY
 - SUBSTANTIVE DUE PROCESS
 - DENIAL OF MEDICAL ATTENTION
- 2. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**
- 3. DEFAMATION *PER SE***

JURY TRIAL DEMAND

JURISDICTION

1. Jurisdiction of this court is invoked under 28 U.S.C. §§ 1343, (1), (2), (3) and (4). This action at law for money damages arises under Title 42 U.S.C. Section 1983 and the United States Constitution, the laws of the State of California and common law principles to redress a deprivation under color of state law of rights, privileges and immunities secured to Plaintiff by said statutes, and by the First, Fourth, Eight and Fourteenth Amendments of the United States Constitution.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

2. At all times herein mentioned, Plaintiff CAREE HARPER was and is a resident of the County of Los Angeles and licensed attorney in the State of California.

3. At all times herein mentioned, Defendant DISTRICT COURT JUDGE OTIS D. WRIGHT, was and is a United States District Court Judge in the Central District of California.

4. Former U.S. MARSHAL SERVICE ("USMS") DIRECTOR STACIA HYLTON (hereinafter "HYLTON") was the Director of the USMS at the time of the incident in question and was the supervisor of the UNKNOWN DEFENDANT DEPUTIES ("UDD").

5. Defendant USMSDIRECTOR DAVID L. HARLOW (hereinafter "HARLOW") is the current Director of the USMS and is the current supervisor of the "UDD"s. At all times herein mentioned, HYLTON and HARLOW possessed the power and authority to adopt policies and prescribe rules, regulations and practices affecting the operation of the USMS, and particularly said SERVICE's court security, patrol, internal investigations and training and personnel divisions and other operations and subdivisions presently unidentified to Plaintiff, and their tactics, methods, practices, customs and usages.

6. The "UDD"s are sued individually, and in their capacities as peace officers, were and are employees of the USMS acting within the scope of their employment and in their

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1 individual capacities under the color of law.

2 7. Defendant AKAL SECURITY is and at all relevant times was the employer of the
3 court security officers, commonly known as "blue jackets". At all times herein
4 mentioned, AKAL SECURITY possessed the power and authority to adopt policies and
5 prescribe rules, regulations and practices affecting the operation of the blue jackets, and
6 particularly the court security, patrol, internal investigations and training and personnel
7 divisions and other operations and subdivisions presently unidentified to Plaintiff, and
8 their tactics, methods, practices, customs and usages.

9 8. Plaintiff is informed and believes and thereon alleges that each of the Defendants
10 designated as a "DOE" is intentionally and otherwise responsible in some manner for the
11 events and happenings herein referred to, and thereby proximately caused injuries and
12 damages as herein alleged. The true names and capacities of DOES 1 through 10,
13 inclusive, and each of them, are not now known to Plaintiff who therefore sues said
14 Defendants by such fictitious names. Plaintiff will amend this Complaint to show their
15 true names and capacities when same has been ascertained.

16 9. Defendants, and each of them, did the acts and omissions hereinafter alleged in bad
17 faith and with knowledge that their conduct violated well established and settled law.

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BACKGROUND.

10. In July 2014, Plaintiff was retained to represent homeless pedestrian, Marlene Pinnock, who was viciously beaten by former California Highway Patrol (“CHP”) Officer Daniel Andrew on a busy Los Angeles freeway. The daytime beating was captured on videotape and posted on the Internet by another motorist. The video went viral shortly thereafter. Ms. Pinnock, diagnosed as bipolar, was initially housed in a mental facility after the beating and was released after medication was reintroduced into her system. Physicians at the mental facility released Ms. Pinnock and she was again homeless¹. Plaintiff provided Ms. Pinnock private medical staff, security, a driver, and housing in an exclusive community. With the assistance of the Plaintiff, Ms. Pinnock experienced the longest period of positive growth in her adult years.

11. Plaintiff successfully negotiated a precedent setting settlement of Ms. Pinnock’s excessive force case despite the Defendant Judge “staying” that litigation and usurping Plaintiff’s ability to preserve valuable evidence by taking Ms. Pinnock’s deposition which was scheduled by Plaintiff immediately in order to preserve evidence. Pursuant to the Settlement Agreement, the CHP officer was required to terminate his position in addition to a seven-figure settlement. Plaintiff placed Ms. Pinnock’s portion into a special needs trust because this laborious extra step was in the best interest of the client and because Maisha Allums and her husband Robert Nobles confronted Plaintiff in the parking lot at the mental health facility while Ms. Pinnock was still being housed there, and demanded Plaintiff answer their most concerning questions: “When are we going get compensated for having to deal with her?! When are we going get paid back for what we went through with her?” This caused Plaintiff to lock up as much of Ms. Pinnock’s funds as possible to preserve her wealth, although not legally mandated it was in the best interest of the client. Thus, with the exception of \$25,000.00 all of Ms. Pinnock’s funds were placed in a special needs trust which provided the added benefit of allowing Ms.

¹ She chose to live on the street instead of with her daughter because her daughter, MaishaAllums, stole money from her. (Recorded interview with national newspaper 8/4/14).

1 Pinnock to keep her State and county benefits. Plaintiff's office received calls from all
 2 around the world from well wishers to critics of Ms. Pinnock. The world heard about the
 3 bipolar homeless woman who was beaten on the side of the freeway by the CHP officer.
 4 Nonetheless, Defendant Judge Wright chose not to check on Ms. Pinnock when the case
 5 was filed, when the case was settled or when the case was dismissed but stated that he
 6 found it necessary to summons attorneys into court and check on things after everything
 7 completed- unbelievable.

8 12. At the time of the settlement Ms. Pinnock had never had a conservator and had
 9 never filed bankruptcy, unlike Defendant Judge Otis Wright who finalized a personal
 10 bankruptcy the year before and became the only sitting Judge on the federal bench to do
 11 so. Having charged off a \$12,000.00 shopping spree at Nordstroms as part of his
 12 bankruptcy the Defendant Judge was furious to find that plaintiff's counsel, a female,
 13 made a considerable amount of money in what he characterized as a relatively short
 14 period of time.

15 *13. It is well settled law that judges, acting in the course and scope of their duties, are*
 16 *entitled to absolute immunity from personal liability arising out of the performance of their*
 17 *judicial duties.* The exception to that well-settled law is if the judge acts and has no jurisdiction
 18 to do so.

19 14. Plaintiff alleges that pursuant to the Dismissal with Prejudice² signed and filed by the
 20 Defendant Judge on February 17, 2015, he did not have jurisdiction to have Plaintiff taken into
 21 custody and jailed for two days. Plaintiff also alleges that the Defendant Judge is not protected
 22 from personal liability stemming from his slanderous comments in front of a multiple news
 23 outlets on March 18, 2015, after dismissing the contempt citation on March 4, 2015.

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26 ²The docket report in the *Pinnock* matter, Case # 14-CV-5551 ODW-AS, shows that Document 63, an Order for Dismissal with prejudice,
 27 was filed on 2/17/15 and entered on 3/4/15. Doc. 63 was the order dismissing the last defendant from the action. This document bears the
 28 signature of Defendant Wright and a stamp in boldface type that reads: "**CASE CLOSED**", effectively ending the jurisdiction of
 Defendant Judge Wright.

STATEMENT OF FACTS

15. On March 2, 2015, Plaintiff appeared at a *suasponete* "status conference" in Defendant Judge's courtroom at the U.S. District Court in Los Angeles. Plaintiff provided the court with the requested documents but was unexpectedly berated and repeatedly asked questions that triggered attorney/ client privilege objections. Plaintiff requested counsel and requested that she be allowed to leave. Both requests were denied. Plaintiff alerted the court that she was having chest pains, and his response was to make hand gestures and that triggered multiple US Marshals and blue jackets to forcefully and physically seized Plaintiff. Plaintiff screamed in pain as the group of 6-8 officers violently wrenched her arms behind her back. At this point the Defendant Judge **stood from the bench, pointed, clapped and laughed at the Plaintiff.** Plaintiff yelled out about the use of force being administered as one short smirking White male deputy pointed a Taser in the Plaintiff's face. Plaintiff had previously cleared security and at no time did she present a physical threat to anyone.

Plaintiff was denied immediate medical care even after advising the sadistic judge and aggressive deputies of her medical conditions and chest pains.

16. The Plaintiff asked the Defendant Judge if he was authorizing the force being used on her and he again gestured with his hands. Plaintiff alleges that the Defendant Judge engages in sexual relations with court reporter(s) and through that intimate contact has developed signals about going on and off the record without parties knowing. This allegation was part of the Judicial Misconduct Complaint the Plaintiff filed against the Defendant Judge in 2015. When confronted with this allegation as part of Ninth Circuit's investigation the Defendant Judge stated that he "learned that it was error to go off the record without consent of all counsel and he stopped that practice..."

17. The USMS denied Plaintiff of medical care for several hours and was threatening when she inquired as to when she would be treated. The Plaintiff was eventually admitted to a local hospital several hours later where she was continuously handcuffed to a gurney and subjected to

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1 several frightening tests. One of which simulated a panic attack with the use of intravenous
2 drugs.

3 18. On March 3, 2015, Defendants denied the Plaintiff of her Constitutional right to vote
4 when they wrongfully arrested, seized and imprisoned Plaintiff. Once the Defendant Judge
5 learned that Plaintiff had not spent the first night in the federal jail, he refused to allow her to be
6 released, and instead maliciously ordered her booked into the Metropolitan Detention Center the
7 second night.

8 19. On March 18, 2015, the Defendant Judge later explained to an open courtroom that he
9 intended to make "an example" out of the plaintiff. The Defendant Judge bragged about his
10 treatment of the Plaintiff and about how nothing could be done to him because he has a lifetime
11 appointment on the bench. Defendant stated that Plaintiff "exploited" her client because of the
12 unconfirmed fee *he believes* Plaintiff charged. These types of remarks are similar to accusing a
13 priest of fondling children; or accusing a reporter of plagiarism; or accusing a judge of bribery-
14 that is unless the judge has just filed bankruptcy while sitting on the bench. These malicious
15 and slanderous comments were made in open court in front of numerous media outlets, and they
16 were intended to and did, in fact, harm Plaintiff's reputation in the community. The Defendant
17 Judge intended these salacious comments to end the career of the Plaintiff.

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FIRST CAUSE OF ACTION
**(VIOLATION OF FEDERAL CIVIL RIGHTS - EXCESSIVE FORCE,
ASSAULT, BATTERY, FALSE ARREST/ IMPRISONMENT, CONSPIRACY,
DUE PROCESS - 42 U.S.C. § 1983)**
(Against ALL Defendants & DOES 1-10 excluding Harlow)

20. Plaintiff refers to and repleads each and every allegation contained in paragraphs 1 through of this complaint, and by this reference incorporates the same herein and makes each a part hereof.

21. This action at law for money damages arises under Title 42 U.S.C. § 1983 and the United States Constitution, the laws of the State of California and common law principles to redress a deprivation under color of state law of rights, privileges and immunities secured to Plaintiff by said statutes, and by the First, Fourth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution.

22. Commencing at or about the aforementioned date and place, without lawful cause justification or **jurisdiction**, and acting under color of law, Defendants, and each of them, intentionally and maliciously deprived Plaintiff of rights secured to her, by the First, Fourth, and due process guarantees of Fourteenth Amendments to the United States Constitution.

23. Defendants, and each of them, joined in and carried out a mutually supportive conspiracy to deprive Plaintiff of his rights against unreasonable seizures, and due process guarantees by participating in a mutually supportive, corrupt effort to fraudulently justify the violation of Plaintiff's rights on false accusations manufactured by a biased, bankrupt, angry judge and supported by Defendants and DOES 1-10.

24. As a proximate result of the aforesaid acts and omissions of Defendants, and each of them, Plaintiff sustained great physical and mental pain and shock to her nervous systems, fear, anxiety, torment, degradation and emotional distress.

25. By reason of the aforementioned acts and omissions of Defendants, and each of them, Plaintiff incurred medical and therapeutic expenses in an amount to be proven.

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1 26. In addition, by reason of the aforementioned acts and omissions of Defendants, and
2 each of them, Plaintiff was kept from voting! Plaintiff has suffered loss and of earnings
3 and employment opportunities all to her damage in an amount to be proven.

4 27. By reason of the aforementioned acts of Defendants, and each of them, Plaintiff
5 was compelled to secure the services of an attorney at law to redress the wrongs
6 hereinbefore mentioned and by virtue thereof, Plaintiff is indebted and liable for
7 attorneys' fees.

8 28. The aforementioned acts and omissions of Defendants were committed by each of
9 them knowingly, willfully and maliciously, with the intent to harm, injure, vex, harass
10 and oppress Plaintiff with a conscious disregard of Plaintiff's constitutional rights and by
11 reason thereof, Plaintiff seeks punitive and exemplary damages from Defendants
12 excluding HARLOW and DOES 1-10 and each of them, in an amount as proved.

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14 **ASSAULT & BATTERY**
15 **Against UDDs**

16 29. The Unknown Defendant Deputies and Blue Jackets assaulted and battered
17 Plaintiff.

18 30. By reason of the aforesaid acts, Plaintiff was placed in great fear for her safety and
19 physical and emotional well being. Plaintiff was also subjected to non-consensual,
20 physical violence at the hands of the UCC's.

21 31. As a direct and proximate result of the foregoing, Plaintiff has been damaged as
22 recited above and demands and is entitled to the damages recited in the Complaint for
23 Damages, including, but not limited to, general and punitive damages.

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FALSE ARREST/IMPRISONMENT
(Against Defendants excluding HARLOW & HYLTON)

32. On or about March 2, 2015, at the District Court in Los Angeles, California, Plaintiff was caused to be unlawfully seized, arrested and booked by Defendants, and each of them, maliciously and without warrant or order of commitment, due process, or any other legal authority and of any kind as plaintiff had not committed any crime or public offense.

33. As a proximate result of the acts of defendants, and all of them, Plaintiff has suffered damages, loss and harm.

34. As a direct and proximate result of the foregoing, Plaintiff has been damaged as recited above and demands and is entitled to the damages recited in the First Cause of Action, including, but not limited to, general and punitive damages.

SECOND CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Individual Defendants)

35. Plaintiff refers to and repleads each and every allegation contained in paragraphs 1 through 34 of this complaint, and by this reference incorporates the same herein and makes each a part hereof.

36. On or about March 2, 2015, and thereafter, Plaintiff was entitled to the duty of due care by Defendants, and each of them, including but not limited to, the care, service and protection by Defendants.

37. On or about said date, and thereafter, Defendants and each of them, intentionally caused Plaintiff to be illegally arrested, illegally detained, subjected to excessive and unreasonable force, and conspired among themselves to cover up their lawlessness and thwart plaintiff's right to recover damages by fraudulently casting plaintiff as a criminal offender. Prior to March 2, 2015, Plaintiff had never been arrested.

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38. In doing the aforementioned, Defendants' conduct was intentional, outrageous, malicious, and done for the purpose of or with reckless disregard for the consequences, causing Plaintiff to suffer emotional suffering and mental distress, the indignity of an arrest, booking, fear, anxiety, and mental anguish.

39. As a direct and proximate result of the foregoing, Plaintiff has suffered, and continues to suffer, mental and emotional distress and is entitled to and demands damages against Defendants jointly and severally, as recited in the Complaint for Damages, including, but not limited to general and punitive damages.

THIRD CAUSE OF ACTION SLANDER PER SE

40. Plaintiff incorporates by reference paragraphs 1-39 as though fully alleged hereto.

41. On or about March 18, 2015, Defendant Judge Wright kicked Plaintiff's two attorneys out of court, demounted the bench and held a bootleg townhall meeting in the courtroom, bashing Attorney Harper. Defendant Judge maliciously, intentionally and repetitively published, spoke, and otherwise communicated false and damaging information about the Plaintiff to a group with a sinister intent and for the purpose of "making an example" out of the Plaintiff and to support and defend his friend, DA Jackie Lacey who Plaintiff repeatedly criticized for not charging former CHP Officer Andrew for the viciously beating pedestrian Marlene Pinnock. Said defamatory comments were made after the case was dismissed and Defendant Judge Wright no longer enjoyed judicial immunity. Said comments led to other libelous comments by news organizations, internet blogs further damaging Plaintiff's standing in the community a directly causing Plaintiff to be terminated from the representation of another case involving a man shot in Los Feliz.

42. As a direct and proximate result of the foregoing, Plaintiff has suffered, and continues to suffer, mental and emotional distress and is entitled to and demands damages

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1 against Defendants jointly and severally, as recited in the Complaint for Damages,
2 including, but not limited to general and punitive damages.

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PRAYER

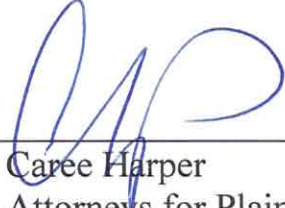
WHEREFORE, Plaintiff prays for judgment against Defendants and each of them, as follows:

AS TO EACH CAUSE OF ACTION AS APPLICABLE

1. For General damages according to proof;
2. For Special damages according to proof;
3. For Punitive damages as provided by law, in an amount to be proved against each individual Defendant;
4. For attorney's fees pursuant to 42 U.S.C § 1988 and California Civil Code §§52, and 52.1;
5. For Costs of suit;
6. For such other and further relief as the Court may deem proper.

DATED: 3/2/17

LAW OFFICES OF CAREE HARPER


By 
Caree Harper
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury.

DATED: 3/2/17

LAW OFFICES OF CAREE HARPER

By 
Caree Harper
Attorneys for Plaintiff